

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SENAD M,

Petitioner,

v.

STEVEN AHRENDT,

Respondent.

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Civ. No. 19-17536 (KSH)

MEMORANDUM AND ORDER

Petitioner is an immigration detainee who was lodged at the Bergen County Jail¹ at the time he filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner seeks his release from immigration detention due to the length of time he has been detained.

One issue in this case is whether petitioner is impeding his removal. In support of denying the habeas petition, respondent has submitted a declaration from David S. Hamilton, a deportation officer with United States Immigration and Custom Enforcement (“ICE”). (*See* DE 10-2). Hamilton states in his declaration that ICE received notification from Montenegro on May 22, 2019 that petitioner is a citizen of that country. (*See id.* ¶ 28).

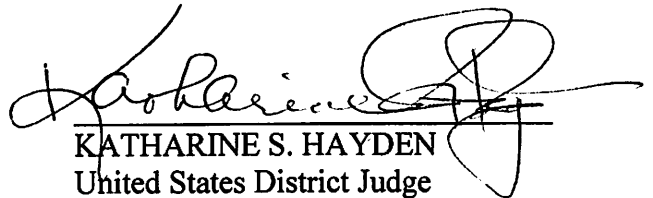
Prior to ruling on petitioner’s habeas petition, respondent shall be ordered to provide this Court with documentary evidence that Montenegro is now confirming that petitioner is a citizen of that country. Petitioner shall be given an opportunity to file a supplemental reply to respondent’s supplemental response.

¹ Petitioner is now detained in Natchez, Mississippi. (*See* DE 10-2 ¶ 38). Nevertheless, petitioner’s transfer out of this district does not affect this Court’s jurisdiction which is determined at the time the petition is filed. *See Barden v. Keohane*, 921 F.2d 476, 477 n.1 (3d Cir. 1990).

Accordingly, IT IS this 19th day of February, 2020,

ORDERED that respondent shall file a supplemental response to the habeas petition that includes documentary evidence that Montenegro is now confirming that petitioner is a citizen of that country within fourteen (14) days of the date of this order; the supplemental response shall also update this Court on whatever efforts have been made to remove petitioner since respondent filed its initial response on December 4, 2019 such as additional attempts to have petitioner sign travel documents to effectuate his removal; and it is further

ORDERED that petitioner may file a supplemental reply to respondent's supplemental response within seven (7) days after the supplemental response is filed.


KATHARINE S. HAYDEN
United States District Judge